

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

LG 22 DOE

Plaintiff,

COMPLAINT

vs.

THE DIOCESE OF BUFFALO, N.Y., and

ST. ANDREW'S PARISH,

Defendants.

Plaintiff, above named, by his attorneys, LIPSITZ GREEN SCIME CAMBRIA LLP, for his Complaint against Defendants, alleges:

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST
DEFENDANTS, ABOVE NAMED, HEREIN,
PLAINTIFF, LG 22 DOE, ALLEGES AS FOLLOWS:**

1. Plaintiff, LG 22 DOE, is a resident of the City of Niagara Falls located within the County of Niagara and State of New York.
2. This action is commenced pursuant to the provisions of the Child Victim's Act.

3. At the time of the incidents set forth herein, Plaintiff, LG 22 DOE, (hereinafter referred to as "THE CHILD") was an infant having been born in 1956.

4. Upon information and belief, at all times herein mentioned, Defendant, THE DIOCESE OF BUFFALO, N.Y., was and still is a domestic not-for-profit corporation duly organized and existing under and by virtue of the laws of the State of New York and maintains an office for the transaction of business located within the County of Erie and State of New York.

5. Upon information and belief, at all times herein mentioned, Defendant, ST. ANDREW'S PARISH, was and still is a not-for-profit religious organization duly organized and existing under and by virtue of the laws of the State of New York, operating by and through Defendant, THE DIOCESE OF BUFFALO, N.Y., and maintains an office for the transaction of business located at 1525 Sheridan Drive, Kenmore, New York 14217.

6. Defendant ST. ANDREW'S PARISH and Defendant, THE DIOCESE OF BUFFALO, N.Y., are hereinafter collectively referred to as "THE ROMAN CATHOLIC CHURCH."

7. Upon information and belief, at all times herein mentioned, Joseph Schieder, (hereinafter referred to as "THE CHILD MOLESTER") was hired and employed by THE ROMAN CATHOLIC CHURCH and THE ROMAN CATHOLIC CHURCH conferred upon THE CHILD MOLESTER the religious titles "Father" and "Monsignor."

8. Upon information and belief, THE CHILD MOLESTER, is deceased.

9. According to THE ROMAN CATHOLIC CHURCH doctrine, when a person physically dies, he or she lives forever through their "Soul" and according to THE ROMAN CATHOLIC CHURCH doctrine, THE CHILD MOLESTER, in all likelihood, therefore now resides in a placed called "Hell" due to the sexual crimes he committed against THE CHILD and other children. Despite exercising due diligence, THE CHILD is unable to locate "Hell" to serve THE CHILD MOLESTER with the Summons and Complaint. The limitations set forth in CPLR §1601 do not apply.

10. Upon information and belief, at all times herein mentioned, THE

CHILD MOLESTER was assigned to ST. ANDREW'S PARISH as a priest by Defendant THE DIOCESE OF BUFFALO, N.Y., and was acting as its agent, employee or representative.

11. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER was under the direction, supervision and control of Defendant, THE ROMAN CATHOLIC CHURCH.

12. Occurring in approximately 1968, THE CHILD MOLESTER sexually assaulted and committed battery upon THE CHILD at ST. ANDREW'S PARISH garage and said assault and battery constituted sexual offenses as defined in Article 130 of the Penal Law.

13. The sexual crimes by THE CHILD MOLESTER herein were willful, malicious and intentional and resulted in injury to THE CHILD.

14. As a direct result of conduct by THE CHILD MOLESTER as described herein, THE CHILD, has suffered, and continues to suffer great physical and emotional pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, flashbacks, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, was prevented and will continue to be prevented from performing daily activities and obtaining full enjoyment of life, and has incurred and will continue to incur expenses for medical psychological treatment, therapy and counseling.

15. This action falls within one or more of the exceptions set forth in CPLR §1602.

16. As a result of the foregoing, THE CHILD, has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower

courts which would otherwise have jurisdiction.

17. As a result of the foregoing, THE CHILD, claims punitive damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION
AGAINST DEFENDANT, THE ROMAN CATHOLIC
CHURCH, HEREIN:**

18. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "17" of this Complaint with the same force and effect as if fully set forth herein.

19. Upon information and belief, Defendant, THE ROMAN CATHOLIC CHURCH, trained, hired, selected and approved THE CHILD MOLESTER as a priest at ST. ANDREW'S PARISH, placing him in a position with authority and power over THE CHILD, a parishioner at ST. ANDREW'S PARISH.

20. Defendant, THE ROMAN CATHOLIC CHURCH, knew or reasonably should have known of the propensities of THE CHILD MOLESTER to commit acts of sexual assault, battery, rape and other sexual offenses against THE CHILD and other children.

21. Upon information and belief, prior to the incident set forth herein, Defendant, THE ROMAN CATHOLIC CHURCH, was aware and was otherwise on actual notice that a number of its employees working as priests, were sexually abusing and/or sexually assaulting and/or molesting and/or raping children.

22. Upon information and belief, the aforesaid incidents and resultant injury and damages to THE CHILD were caused as a result of the negligence,

carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH, in the training, hiring, selecting and assignment of THE CHILD MOLESTER.

23. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD and other children.

24. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST
DEFENDANT, THE ROMAN CATHOLIC CHURCH,
HEREIN:**

25. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "24" of this Complaint with the same force and effect as if fully set forth herein.

26. Upon information and belief, the aforesaid incidents and resultant injury to THE CHILD, were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH, in the retaining of THE CHILD MOLESTER.

27. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD and other children.

28. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION
AGAINST DEFENDANT, THE ROMAN CATHOLIC
CHURCH, HEREIN:**

29. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "28" of this Complaint with the same force and effect as if fully set forth herein.

30. Upon information and belief, the aforesaid incidents and resultant injury to THE CHILD, were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH, in supervising THE CHILD MOLESTER.

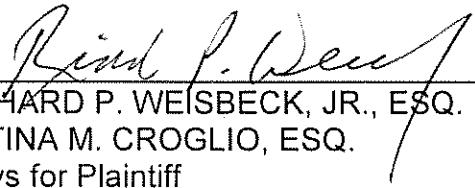
31. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD and other children.

32. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against Defendants, either jointly or severally, in the First, Second, Third and Fourth Causes of Action in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, and for such other, further or different relief as the Court may deem just and proper, together with the costs and disbursements of the action.

DATED: Buffalo, New York
September 18, 2019

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 
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